

Proposed Amendments to the TAA provisions
of the Korea Free Trade Agreement

ROCKEFELLER-STABENOW AMENDMENT #1 TO KOREA FTA

SHORT TITLE: INCREASE HEALTH COVERAGE TAX CREDIT TO 80%

DESCRIPTION: To increase the TAA health coverage tax credit to 80%.

CONTACT: Sarah Dash (4-7993) and Mark Libell (4-9843)

ROCKEFELLER AMENDMENT #2 TO KOREA FTA

SHORT TITLE: GAO STUDY OF HEALTH COVERAGE TAX CREDIT

DESCRIPTION: To require a GAO study to compare the TAA health coverage tax credit with premium subsidies and other coverage options available under health reform by January 1, 2013.

CONTACT: Sarah Dash (4-7993) and Mark Libell (4-9843)

Bingaman Amendment #1 to the “United States-Korea Free Trade Agreement Implementing Act”

Cosponsor: Senator Cantwell

Short Title: **To preserve the TAA for Communities grant program in EDA**

Description of Amendment:

Strike section 532(a) on page 107.

Clerical amendment: strike section 532(c) on page 109.

Bingaman Amendment #2 to the “United States-Korea Free Trade Agreement Implementing Act”

Short Title: To extend all TAA programs (through 12/31/2014) and make the extension retroactive to February 12, 2011.

Description of Amendment:

Extend TAA for Workers, Firms, and Farmers and Fisherman at the benefit levels and authorization levels in the Chairman’s mark until December 31, 2014.

Extend Subchapters A, B, C, and D of TAA for Communities until December 31, 2014 at the authorization level in the law that was effective on February 1, 2011. This provision does not score.

Offset: GRATS. Raises \$4.7 billion over 10 years. This provision is in the president’s budget.

REQUIRE A MINIMUM TERM FOR GRANTOR RETAINED ANNUITY TRUSTS (GRATS)

Current Law

Section 2702 provides that, if an interest in a trust is transferred to a family member, the value of any interest retained by the grantor is valued at zero for purposes of determining the transfer tax value of the gift to the family member(s). This rule does not apply if the retained interest is a “qualified interest.” A fixed annuity, such as the annuity interest retained by the grantor of a GRAT, is one form of qualified interest, so the gift of the remainder interest in the GRAT is determined by deducting the present value of the retained annuity during the GRAT term from the fair market value of the property contributed to the trust.

Generally, a GRAT is an irrevocable trust funded with assets expected to appreciate in value, in which the grantor retains an annuity interest for a term of years that the grantor expects to survive. At the end of that term, the assets then remaining in the trust are transferred to (or held in further trust for) the beneficiaries, who generally are descendants of the grantor. If the grantor dies during the GRAT term, however, the trust assets (at least the portion needed to produce the retained annuity) are included in the grantor's gross estate for estate tax purposes. To this extent, although the beneficiaries will own the remaining trust assets, the estate tax benefit of creating the GRAT (specifically, the tax-free transfer of the appreciation during the GRAT term in excess of the annuity payments) is not realized.

Reasons for Change

GRATs have proven to be a popular and efficient technique for transferring wealth while minimizing the gift tax cost of transfers, providing that the grantor survives the GRAT term and the trust assets do not depreciate in value. The greater the appreciation, the greater the transfer tax benefit achieved. Taxpayers have become adept at maximizing the benefit of this technique, often by minimizing the term of the GRAT (thus reducing the risk of the grantor's death during the term), in many cases to two years, and by retaining annuity interests significant enough to reduce the gift tax value of the remainder interest to zero or to a number small enough to generate only a minimal gift tax liability.

Proposal

This proposal would require, in effect, some downside risk in the use of this technique by imposing the requirement that a GRAT have a minimum term of ten years. The proposal would also include a requirement that the remainder interest have a value greater than zero and would prohibit any decrease in the annuity during the GRAT term. Although a minimum term would not prevent "zeroing-out" the gift tax value of the remainder interest, it would increase the risk of the grantor's death during the GRAT term and the resulting loss of any anticipated transfer tax benefit.

This proposal would apply to trusts created after the date of enactment

Bingaman Amendment #3 to the “United States-Korea Free Trade Agreement Implementing Act”

***Short Title:* To provide \$5 million per year for three years for USTR trade enforcement activities**

Description of Amendment:

Of the funds raised in Title VI [merchandise processing fees and customs user fees] or other funds, \$15 million shall be made available to USTR until December 31, 2014 for trade enforcement activities.

Bingaman Amendment #4 to the “United States-Korea Free Trade Agreement Implementing Act”

Short Title: Require USITC to report on the economy-wide effect of the Korea FTA after 10 years.

Description of Amendment:

(Identical amendments are filed for Colombia and Panama.)

USITC reports on the *potential* economy-wide effects of pending free trade agreements, but does not report on the actual economic effects after the agreements are passed.

This provision requires USITC to report on the actual economy-wide effects of the Korea FTA in 10 years. The reason for enacting this requirement now is to allow USITC to prepare; advance notice allows USITC to collect in the years ahead the data it needs to conduct the analysis.

Text of the Wyden-Snowe-Schumer-Cardin Amendment to the U.S.-Korea Free Trade Agreement:

Short Title: The ENFORCE Act, to stop the evasion of AD/CVD orders.

Short Description:

This amendment, which is generally consistent with the principles put forward in S. 1133 (The ENFORCE ACT) as introduced by Senators Wyden, Snowe, McCaskill, Blunt, Brown (OH), Portman, and Schumer, creates processes to ensure that the Bureau of Customs and Border Protection (CBP), and other relevant government agencies, more quickly and transparently investigate evidence and allegations that merchandise is being imported into the U.S. in ways that evade the proper collection of anti-dumping or countervailing duties (AD/CVD). These evasion methods include transshipment, misrepresentation of merchandise, and under-reporting the value of the merchandise.

Under this amendment CBP would be required to:

1. Establish procedures to enable an interested party to provide accurate and actionable information alleging that certain merchandise has been imported using a duty evasion scheme. CBP would have a limited period of time to determine whether to initiate an investigation pursuant to this formal allegation.

2. Within a certain period of time, make a preliminary determination as to whether there is a reasonable basis to believe or suspect that the merchandise identified in a formal allegation has been imported in a manner to evade AD/CV duties. If the preliminary determination is affirmative, CBP shall with consistency and uniformity use its existing authority to extend and suspend liquidation on all unliquidated merchandise subject to the determination and require the posting of a bond or cash deposit to ensure that any duties that are ultimately determined to be owed on such unliquidated merchandise, and such merchandise that is imported in the future, may be collected.
3. Within a certain period of time, issue a final determination as to whether substantial evidence indicates that the merchandise in question was imported by evasion. If the final determination is affirmative, CBP shall continue to use all its existing authority to extend and suspend liquidation to ensure the full and accurate collection of duties on all the unliquidated merchandise deemed to be evaded.
4. Establish procedures to ensure due process throughout an investigation that is pursuant to the provisions of this amendment.
5. Ensure appropriate information sharing under an Administrative Protective Order between and among interested parties and CBP for the purpose of making an accurate determination as to whether evasion of AD/CV duties has occurred or is occurring.
6. As appropriate, notify the proper federal agency when merchandise is believed to have entered into the U.S. through an evasion scheme for the purpose of determining that such merchandise is safe for consumption or use.
7. Ensure that the prompt application of AD/CVD in cases of evasion, which under this amendment is determined without respect to intent, is not delayed by the civil or criminal investigation or prosecution of fraudulent practices.
8. Submit an annual report that describes the ways that CBP is using all of the information and authorities at its disposal to identify merchandise that enters through a duty evasion scheme. The report shall describe the how CBP consistently implements procedures to ensure the collection of AD/CV duties that are determined owed on such merchandise and shall include information detailing uncollected AD/CV duties and the reason why they have gone uncollected

Under this amendment, the Government Accountability Office would be required to submit reports that detail ways to improve collection of AD/CVD in the face of duty evasion schemes, and describe the effectiveness of the provisions of this amendment. Furthermore, this amendment requires CBP, the Department of Commerce, and Immigration and Customs Enforcement to establish procedures that ensure maximum cooperation among the agencies to effectively combat duty evasion and to align their resources to address this priority trade issue.

Text of the Wyden #2 Amendment to the U.S.-Korea Free Trade Agreement:

Short Title: The ENFORCE Act, to stop the evasion of AD/CVD orders.

Short Description:

This amendment, which is generally consistent with the principles put forward in S. 1133 (The ENFORCE ACT) as introduced by Senators Wyden, Snowe, McCaskill, Blunt, Brown (OH), Portman, and Schumer, creates processes to ensure that the Bureau of Customs and Border Protection (CBP), and other relevant government agencies, more quickly and transparently investigate evidence and allegations that merchandise is being imported into the U.S. in ways that evade the proper collection of anti-dumping or countervailing duties

(AD/CVD). These evasion methods include transshipment, misrepresentation of merchandise, and under-reporting the value of the merchandise.

Under this amendment CBP would be required to:

9. Establish procedures to enable an interested party to provide accurate and actionable information alleging that certain merchandise has been imported using a duty evasion scheme. CBP would have a limited period of time to determine whether to initiate an investigation pursuant to this formal allegation.
10. Within a certain period of time, make a preliminary determination as to whether there is a reasonable basis to believe or suspect that the merchandise identified in a formal allegation has been imported in a manner to evade AD/CV duties. If the preliminary determination is affirmative, CBP shall with consistency and uniformity use its existing authority to extend and suspend liquidation on all unliquidated merchandise subject to the determination and require the posting of a bond or cash deposit to ensure that any duties that are ultimately determined to be owed on such unliquidated merchandise, and such merchandise that is imported in the future, may be collected.
11. Within a certain period of time, issue a final determination as to whether substantial evidence indicates that the merchandise in question was imported by evasion. If the final determination is affirmative, CBP shall continue to use all its existing authority to extend and suspend liquidation to ensure the full and accurate collection of duties on all the unliquidated merchandise deemed to be evaded.
12. Establish procedures to ensure due process throughout an investigation that is pursuant to the provisions of this amendment.
13. Ensure appropriate information sharing under an Administrative Protective Order between and among interested parties and CBP for the purpose of making an accurate determination as to whether evasion of AD/CV duties has occurred or is occurring.
14. As appropriate, notify the proper federal agency when merchandise is believed to have entered into the U.S. through an evasion scheme for the purpose of determining that such merchandise is safe for consumption or use.
15. Ensure that the prompt application of AD/CVD in cases of evasion, which under this amendment is determined without respect to intent, is not delayed by the civil or criminal investigation or prosecution of fraudulent practices.
16. Submit an annual report that describes the ways that CBP is using all of the information and authorities at its disposal to identify merchandise that enters through a duty evasion scheme. The report shall describe the how CBP consistently implements procedures to ensure the collection of AD/CV duties that are determined owed on such merchandise and shall include information detailing uncollected AD/CV duties and the reason why they have gone uncollected

Under this amendment, the Government Accountability Office would be required to submit reports that detail ways to improve collection of AD/CVD in the face of duty evasion schemes, and describe the effectiveness of the provisions of this amendment. Furthermore, this amendment requires CBP, the Department of Commerce, and Immigration and Customs Enforcement to establish procedures that ensure maximum cooperation among the agencies to effectively combat duty evasion and to align their resources to address this priority trade issue.

Lastly, the additional revenue that this amendment raises due to increased collection of AD/CVD and penalties shall be used to identify and address unfair trade practices employed by China and suppliers of imports from China.

Stabenow Amendment #1

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Trade Enforcement Act

Description of Amendment:

This amendment is the complete text of S.1466 from the 111th Congress, the Trade Enforcement Act.

Stabenow Amendment #2

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Division of Trade Enforcement at USTR

Description of Amendment:

The amendment would create within the Office of the United States Trade Representative a Trade Enforcement Division headed by a Deputy United States Trade Representative for Trade Enforcement. This position would have the rank of Ambassador and be nominated by the President and confirmed by the Senate.

The principal function of the Deputy United States Trade Representative for Trade Enforcement shall be to ensure that United States trading partners comply with trade agreements to which the United States is a party.

Stabenow Amendment #3

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Trade Enforcement Priorities Amendment

Description of Amendment:

This amendment would require the United States Trade Representative to annually:

1. Identify United States trade enforcement priorities;
2. Identify enforcement actions that the Trade Representative has taken during the previous year and review the impact such enforcement actions have had on trade barriers in foreign countries;
3. Identify trade practices of foreign countries on which the Trade Representative will focus enforcement efforts;
4. Submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the priorities, actions, and practices identified in the previous 3 paragraphs; and
5. Publish this report in the Federal Register.

Stabenow Amendment #4

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Chief Manufacturing Negotiator Amendment

Description of Amendment:

This amendment creates a Chief Manufacturing Negotiator within the Office of the United States Trade Representative. This position would conduct trade negotiations and to enforce trade agreements relating to United States manufacturing products and services. It would have the rank of Ambassador and be nominated by the President and confirmed by the Senate.

Stabenow Amendment #5

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Plan for Addressing Nontariff Barriers

Description of Amendment:

Not later than 180 days after enactment, the United States Trade Representative shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a plan for addressing nontariff barriers affecting market access for United States companies in any country with respect to which the United States has entered into a bilateral or regional trade agreement or is negotiating such an agreement.

Stabenow Amendment #6

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Office of Trade Assistance for Small Businesses

Description of Amendment:

This amendment would establish within the Office of United States Trade Representative the Office of Trade Assistance for Small Businesses. This Office would provide technical and legal assistance and advice to eligible small businesses to enable such small businesses to prepare and file petitions (other than those that, in the opinion of the Office, are frivolous) under section 302

The term ‘eligible small business’ means any business concern that, in the judgment of the Office of Trade Assistance for Small Businesses, due to its size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and filing petitions and complaints under section 302.

Stabenow Amendment #7

To the United States–South Korea Free Trade Agreement Implementation Act

Short Title:

Stop Canadian Trash Act

Description of Amendment:

This amendment is the complete text of S.840, the Stop Canadian Trash Act.

Cantwell Amendment #1 to Korea Free Trade Agreement

Short Title: Fully Funded Unemployment Insurance Trust Fund Flexibility

Description of Amendment: *If a state hasn't borrowed from the federal government in order to pay Unemployment Insurance benefits and the state increases the weekly benefit amount, paying for it with UI Modernization funding, employers will receive the additional FUTA tax credit, even if they are not charged for the increase.*

This amendment gives states with solvent Unemployment Insurance trust funds more flexibility in providing additional Unemployment Insurance benefits to recipients. In many cases, these states have made the difficult decision to tax employers at a higher wage base, but with this foresight have avoided borrowing money from the federal government to fulfill their state Unemployment Insurance obligations. However, if these states use their trust fund surplus to increase benefits, they are compelled to reflect the increase in employers' "experience rating," which penalizes employers with a higher state unemployment tax. This amendment would allow solvent states to

provide additional benefits without penalizing employers who have already been paying higher taxes.

Cost Estimate: *A request has been made of the JCT.*

Cantwell Amendment #2 to Korea Free Trade Agreement

Short Title: Fully Funded Unemployment Insurance Trust Fund Flexibility

Description of Amendment: *If a state increases the weekly benefit amount during a time of economic distress, employers will receive the additional FUTA tax credit, even if they are not charged for the increase.*

This amendment protects employers in states that have solvent Unemployment Insurance trust funds and wish to increase Unemployment Insurance benefits for recipients. Under current federal law, if a state wishes to fund an increase in benefits through its trust fund, this increase must be reflected in the “experience rating” of an employer, effectively penalizing the employer. If the state does not reflect the increase in the “experience rating,” it is considered noncompliant with federal law and loses its FUTA tax credit of 5.4%, which also penalizes employers. This amendment allows employers to be eligible for a different, but equitable, FUTA tax if a state increases the benefit amount under either scenario.

Cost Estimate: *A request has been made of the JCT.*

Cantwell Amendment #3 to Korea Free Trade Agreement

Short Title: Business tax credit for training expenses

Description of Amendment: *This amendment would provide a business tax credit for the training expenses for newly hired employees being trained on the job and an exclusion of income for the employee while being trained up to one year. The business credit would be limited to \$15,000 per employee per year.*

This amendment is intended to provide an immediate incentive to businesses with job openings to bring employees on to their payrolls and train them on the job.

Cost Estimate: *A request has been made of the JCT.*

Cantwell Amendment #4 to the Korea Free Trade Agreement

Short Title: American Shipping Re-Investment Act

Description of Amendment: *Amends the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.*

This legislation will build on work Congress started in 2004 to strengthen the U.S. merchant marine, create needed jobs in U.S. ship building, and stimulate economic activity in our maritime sector. This bill also would enhance U.S. national security interests by supporting shipyards that are vital to our defense industrial base, by enabling new U.S. flag tanker capacity to transport our Nation's energy products, and by providing DOD with critical assets--manpower and ships--necessary to help sustain military sealift.

Nelson Amendment #1 to the United States-South Korea Free Trade Agreement Implementation Act

Short Title: Technical improvements to Trade Adjustment Assistance for Farmers program to ensure that the Congressional intent to allow fishermen to participate is fully implemented.

Description of Amendment:

Qualifying requirements and benefits for agricultural commodity producers

The amendment modifies the Trade Adjustment Assistance for Farmers program to correct an omission in current law by providing for the use of regional wild-caught aquatic species (seafood) price data generated by the Department of Commerce for qualifying individuals for benefits. Under current law (19 USC 2401e(a)(1)(A)(ii)(II)), benefits may be provided to an agricultural producer if the county level price as maintained by the USDA on the date a petition for certification is filed has decreased compared to the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed. However, the USDA does not maintain such regional (county) level price information for important seafood commodities (wild-caught aquatic species) such as shrimp, lobsters or blue crab. Such seafood price information is maintained by the Secretary of Commerce through the National Oceanic and Atmospheric Administration (NOAA). This amendment would correct this omission in current law by authorizing the Secretary of Agriculture to use analogous regional price information on seafood commodities that are generated and maintained by the Secretary of Commerce.

Conforming revision to adjusted gross income limitations for fishermen

The amendment also modifies the Trade Adjustment Assistance for Farmers program to correct an omission in current law by establishing an eligibility limitation on fishing and non-fishing income that is analogous to the current income limitations on eligibility that apply to farm and non-farm income. Under current law (19 USC 2401e(a)(2)), farmers are eligible to participate in the Trade Adjustment Assistance for Farmers program only if their adjusted gross

farm income is less than \$750,000 and their adjusted gross non-farm income is less than \$500,000, for a combined total of \$1,250,00. When applied to fishermen, this provision has the effect of limiting eligibility to only those fishermen with total adjusted gross incomes of less than \$500,000 because fishermen do not have farm income. This amendment would correct this omission in current law by establishing a comparable combined income limitation on fishermen of \$1,250,000 for adjusted gross fishing and non-fishing income.

Determination of increases of imports for certain fishermen

Lastly, the amendment ensures that all imported seafood (including wild and farm-raised) that are like or directly competitive with a domestic seafood product such as shrimp can be included in the calculation of the increase in imports used for purposes of determining eligibility under the Trade Adjustment Assistance for Farmers program. For some seafood commodities such as shrimp (the largest imported seafood commodity), imported farm-raised product is the most significant article that is directly competitive with domestic production. The same provision was adopted in the 2009 revisions to the program but was codified as a note in what appears to be an unrelated section of the statute. Consequently, it remains unclear whether this provision remains as current law following the expiration of the program in February, 2011. This amendment would ensure this provision is codified in the relevant section of current law.

AMENDMENT

Menendez Amendment #1 to the Korea FTA

Short Title:

Cotton Trust Fund

Description of Amendment:

Pursuant to S. 529, this amendment will reauthorize the 2006 program of duty reductions and duty refunds for imports of cotton shirting fabrics to shirt makers who continued manufacturing in the U.S. in the face of competition created offshore when Congress eliminated duties for imported finished dress shirts.

This amendment is appropriately offered to the Korea FTA because duty reductions related to the new Korea FTA and prior reductions pursuant to other trade agreements led to a tariff inversion, making it cheaper to manufacture shirts offshore than in the United States. The amendment would re-authorize the program through December 31, 2013. The Korea FTA will exacerbate an already difficult situation for domestic shirt manufacturers.

- History: Beginning with the Canadian Free Trade Agreement, repeated in NAFTA, and again in trade preference programs benefiting Andean, Caribbean, and African countries, Congress eliminated duties on imported finished dress shirts. While those countries eliminated their duties on shirting fabrics they needed to import, our policy was to maintain a duty as high as 13.5%. This resulted in companies moving production to Canada and offshore. In 2006 Congress responded with the Cotton Trust Fund program – a combination of duty reductions and duty refunds to shirt makers who continued manufacturing in the U.S. The program expired at the end of 2009.

S.529

To extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes. (Introduced in Senate - IS)

S 529 IS

112th CONGRESS

1st Session

S. 529

To extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 9, 2011

Mr. MENENDEZ (for himself, Mr. ALEXANDER, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) Extensions- Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking everything after `suitable for use in men's and boys' shirts' in the article description column and by striking the date in the effective date column and inserting `12/31/2013':

- (1) Heading 9902.52.08 (relating to woven fabrics of cotton).
- (2) Heading 9902.52.09 (relating to woven fabrics of cotton).
- (3) Heading 9902.52.10 (relating to woven fabrics of cotton).
- (4) Heading 9902.52.11 (relating to woven fabrics of cotton).
- (5) Heading 9902.52.12 (relating to woven fabrics of cotton).
- (6) Heading 9902.52.13 (relating to woven fabrics of cotton).
- (7) Heading 9902.52.14 (relating to woven fabrics of cotton).
- (8) Heading 9902.52.15 (relating to woven fabrics of cotton).
- (9) Heading 9902.52.16 (relating to woven fabrics of cotton).
- (10) Heading 9902.52.17 (relating to woven fabrics of cotton).
- (11) Heading 9902.52.18 (relating to woven fabrics of cotton).
- (12) Heading 9902.52.19 (relating to woven fabrics of cotton).
- (13) Heading 9902.52.20 (relating to woven fabrics of cotton).
- (14) Heading 9902.52.21 (relating to woven fabrics of cotton).
- (15) Heading 9902.52.22 (relating to woven fabrics of cotton).
- (16) Heading 9902.52.23 (relating to woven fabrics of cotton).
- (17) Heading 9902.52.24 (relating to woven fabrics of cotton).
- (18) Heading 9902.52.25 (relating to woven fabrics of cotton).
- (19) Heading 9902.52.26 (relating to woven fabrics of cotton).
- (20) Heading 9902.52.27 (relating to woven fabrics of cotton).
- (21) Heading 9902.52.28 (relating to woven fabrics of cotton).
- (22) Heading 9902.52.29 (relating to woven fabrics of cotton).
- (23) Heading 9902.52.30 (relating to woven fabrics of cotton).
- (24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) Extension of Duty Refunds and Pima Cotton Trust Fund; Modification of Affidavit Requirements- Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3060) is amended--

(1) in subsection (b)--

(A) in paragraph (1), by striking `amounts determined by the Secretary' and all that follows through `5208.59.80' and inserting `amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208'; and

(B) in paragraph (2), by striking `October 1, 2008' and inserting `December 31, 2013';

(2) in subsection (c)--

(A) in the matter preceding paragraph (1), by striking `beginning in fiscal year 2007' and inserting `beginning in fiscal year 2011';

(B) by striking `grown in the United States' each place it appears; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by inserting `that produce ring spun cotton yarns in the United States' after `of pima cotton';

(3) in subsection (d)--

(A) in the matter preceding paragraph (1), by inserting `annually' after `provided'; and

(B) in paragraph (1), by inserting `during the year in which the affidavit is filed and' after `imported cotton fabric'; and

(4) in subsection (f)--

(A) in the matter preceding paragraph (1), by inserting `annually' after `provided'; and

(B) in paragraph (1)--

(i) by striking `grown in the United States' and inserting `during the year in which the affidavit is filed and'; and

(ii) by inserting `in the United States' after `cotton yarns'.

(c) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

Senate Finance Committee

“Mock” Mark-Up

U.S. – South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_1__ to United States-Korea Trade Promotion Agreement

Short Title: Reform TAA eligibility threshold criteria

Description of Amendment: This amendment will replace the “contributed importantly” threshold criteria throughout Title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) for the various TAA programs with a “were a substantial cause” threshold as was used for TAA when reformed in the Omnibus Reconciliation Act of 1981.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S. – South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_2__ to U.S. – South Korea Free Trade Agreement Implementation Act

Short Title: Strike TAA Community College and Career Training Grant Program Authorization

Description of Amendment: Section 532 of the bill – Trade Adjustment Assistance for Communities – is amended by replacing Sec. 532(a) to “(a) Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is stricken.” and deleting the rest of section 532.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S. – South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_3__ to U.S. – South Korea Free Trade Agreement Implementation Act

Short Title: Strike TAA Adjustment Assistance for Firms Program

Description of Amendment: Section 531 of the bill – Trade Adjustment Assistance for Firms – is amended by replacing Sec. 531(a) with “(a) Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is stricken” and deleting the rest of the language in Sec. 531.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_4__ to the U.S. -South Korea Free Trade Agreement Implementation Act

Short Title: Strike Title V- Extend Trade Promotion Authority through July 1, 2016

Description of Amendment: The provision amends Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) to provide for the application of trade authorities procedures to trade agreements entered into after the date of enactment of the U.S. – Korea Free Trade Agreement and before July 1, 2016. The purpose of the provision is to ensure that the U.S. workers, farmers and business obtain fair access to foreign markets for their exports through the negotiation of additional job-creating international trade agreements.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.- South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_5__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Strike Title V- Extend Trade Promotion Authority through December 31, 2013.

Description of Amendment: The provision amends Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) to provide for the application of trade authorities procedures to trade agreements entered into after the date of enactment of the U.S. – South Korea Free Trade Agreement and before December 31, 2013. The purpose of the provision is to ensure that the U.S. workers, farmers and business obtain fair access to foreign markets for their exports through the negotiation of additional job-creating international trade agreements.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_6__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: - extend Trade Promotion Authority for the Trans Pacific Partnership Agreement through December 31, 2013.

Description of Amendment: The provision amends Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) to provide for the application of trade authorities procedures to a trade agreement with Trans-Pacific partnership countries entered into after the date of enactment of the U.S. –Korea Free Trade Agreement and before December 31, 2013. The purpose of the provision is to empower our international trade negotiators with the tools needed to successfully conclude negotiation of the Trans-Pacific Partnership Agreement. The Trans-Pacific Partnership (TPP) Agreement is an Asia-Pacific regional trade agreement currently being negotiated among the United States and eight other partners. The United States’ TPP negotiating partners are Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam. The TPP members have set a goal of reaching the outlines of an agreement by the APEC Leaders’ meeting in Honolulu in November 2011. Approval of this amendment will help our negotiators achieve that goal and successfully conclude negotiations thereafter.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_7__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: GAO Report on Congressional and Private Sector Consultations

Description of Amendment: The amendment requires the Comptroller General of the United States to submit a report to the U.S. Senate Committee on Finance on the nature and effectiveness of the Obama Administration’s trade consultation process since January 2009 for Congress and private sector trade advisory committees and other stakeholders as they relate to the U.S.-South Korea Trade Promotion Agreement, the U.S.-Panama Trade Promotion Agreement, the U.S.-South Korea Free Trade Agreement, the World Trade Organization Doha Round of trade negotiations, and the negotiation of the Trans-Pacific Partnership Agreement. The findings of the report will help inform Congress and the public about the effectiveness and transparency of the trade negotiations process and aid Congress in ensuring appropriate procedures are in place for on-going and future negotiations. The report would be due one year after enactment of the United States-South Korea Free Trade Agreement Act.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_8__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: DOL Report on Worker Dislocation Related to Implementation of the U.S.-South Korea Free Trade Agreement Implementation Act

Description of Amendment: The amendment requires the U.S. Department of Labor to issue a report one year after entry into force of the U.S.-South Korea Free Trade Agreement Implementation Act regarding the number of U.S. workers dislocated due to the entry into force of the agreement and the overall impact of the agreement on U.S. employment. This provision will help inform future Congress’ about the causal link, if any, between entry-into-force of free trade agreements, worker dislocation and employment in the United States.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_9__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Development of public outreach plan on the effects of international trade on U.S. workers

Description of Amendment: The amendment requires the U.S. Department of Labor, in conjunction with the U.S. Department of Commerce and the Office of the U.S. Trade Representative, to develop and submit a plan to the U.S. Senate Finance Committee to improve public outreach and education to TAA eligible workers and the public on the benefits of international trade to the U.S. economy and U.S. competitiveness. This information will help TAA eligible workers and the public to better understand the significant benefits that international trade brings to the U.S. workforce and the U.S. economy in general. The plan would be due one year after enactment of the U.S.-South Korea Free Trade Agreement Implementation Act.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_10__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Development of Public-Private Sector Partnership Proposal

Description of Amendment: The amendment requires the U.S. Department of Labor, in conjunction with the U.S. Department of Commerce, to develop a proposal to effectively leverage private sector resources to assist workers eligible for Trade Adjustment Assistance.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_11__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Express a Sense of the Senate regarding possible Russian accession to the WTO.

Description of the Amendment: Express Sense of the Senate that Russia needs to make considerable and demonstrative progress in several substantive areas before the United States can support its accession to the World Trade Organization. Specifically, Russia needs to strengthen its protection of intellectual property rights - including significantly increasing its enforcement efforts against on-line piracy - curtail the use of unjustified sanitary restrictions to limit US agricultural exports to Russia, remove technical barriers to trade that affect the IT industry and generally strengthen the rule of law in Russia. WTO membership provides a valuable opportunity for countries to join the world trade community and thus make additional economic opportunities available to their people. Nevertheless, Russia must at a bare minimum bring itself into compliance with all major WTO obligations before the United States can support its accession to the WTO.

Offset: Not Applicable

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_12__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Ensure that the Administration takes action to enforce the Intellectual Property Rights Protections agreed to in the Chilean Free Trade Agreement.

Description: In 2004, the United States and Chile concluded a Free Trade Agreement that required Chile to provide important new protections for the intellectual property rights that have enabled America’s creators and companies to be among the world’s most successful producers and net exporters of a vast array of expressive works, trusted brands, and valuable innovations. Unfortunately, Chile has failed to implement in practice many of the enhanced protections that it pledged to provide years ago. As a result, piracy and counterfeiting remain rampant in the Chilean economy and Chile remains on USTR’s 2010 Priority Watch List. This is unacceptable and sends precisely the wrong message to both Chile and other present and future trading partners. The Administration is required to report to the Senate Finance Committee within 60 days on: What steps the Administration has taken to ensure that Chile has implemented its duty under the WIPO Internet Treaties and the FTA to provide effective legal protection for Intellectual Property Rights; What steps that Chile still needs to take; an explanation for why these implementation issues are still unresolved and what the Administration intends to do about it.

Offset: Not applicable.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_13__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Expressing the sense of the Senate that the negotiation of a robust, high-standard, Trans-Pacific Partnership Agreement is important to job creation and economic growth in the United States.

Description:

Whereas in November 2009 the Administration announced the United States’ intention to participate in the Trans-Pacific Partnership (TPP) negotiations with Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam;

Whereas the markets of the Asia-Pacific currently represent important destinations for U.S. manufactured goods, agricultural products, and services suppliers;

Whereas, as of 2010, the group of TPP countries were together the 3rd largest goods export market and 4th largest services export market for the United States;

Whereas TPP negotiations are intended to lead to the creation and retention of high-quality jobs in the U.S. and increase American exports to a region that includes some of the world’s most robust economies and that represents more than 40 percent of global trade;

Whereas additional countries have expressed interest in potentially joining the TPP negotiations;

Whereas the current participants intend the TPP to be expanded in the future to incorporate new members in Asia and beyond, including markets in which the U.S. government and U.S. industry have struggled for years to improve respect for and enforcement of intellectual property (IP) rights;

Whereas a robust knowledge economy provides the United States with one of our largest sources of competitive advantage;

Whereas that knowledge economy is reliant upon the protection of intellectual property for its continued viability and growth;

Whereas the IP-intensive industries employ more than 19 million workers, create higher paying jobs across all skill levels, and support more than 60 percent of total U.S. exports;

Whereas the IP standards in the TPP Agreement will set a precedent for protection of our innovative and creative industries in other trade agreements going forward;

Whereas arbitrary and non-transparent regulatory regimes, such as those that set pricing, reimbursement, and marketing authorizations, pose an existential threat to vital U.S. industries;

Whereas state-owned enterprises (SOEs) and state-supported enterprises (SSEs) often compete in ways that undermine the principle of competitive neutrality;

Whereas efficient supply chains are critical to U.S. engagement with the global economy;

Resolved, That it is the sense of the Senate that--

(1) the TPP IP provisions must be clear, specific, and enforceable, building upon the high standards set forth in the U.S.-Korea Free Trade Agreement (“KORUS FTA”) and U.S. law;

(2) the TPP IP provisions must be applicable to all TPP participants without exception;

(3) the TPP must incorporate robust provisions which minimize regulatory risk for U.S. industry and increase regulatory transparency in TPP markets;

(4) the TPP must incorporate new and binding commitments that effectively address the potential market-distorting actions of foreign SOEs and SSEs in global markets; and

(5) the TPP must adopt a holistic approach to supply chain commitments across key chapters of the agreement, and incorporate provisions that require TPP countries to measure and improve supply chain performance across the region.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_14__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Strike Title V of the Statement of Administrative Action to the U.S.-South Korea Free Trade Agreement Implementation Act.

Description of Amendment: The amendment strikes Title V to the Statement of the Statement of Administrative Action related to Trade Adjustment Assistance.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S. – South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_15__ to U.S. – South Korea Free Trade Agreement Implementation Act

Short Title: Customs Reauthorization

Description of Amendment: The amendment reauthorizes the trade facilitation and trade enforcement functions of the Department of Homeland Security (DHS), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE) and their programs for five years building upon the introduced 2009 Customs Facilitation and Trade Enforcement Reauthorization bill (S1631).

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S. – South Korea Free Trade Agreement Implementation Act

Hatch Amendment #__16__ to U.S. – South Korea Free Trade Agreement Implementation Act

Short Title: Customs Reauthorization

Description of Amendment: The amendment reauthorizes the trade facilitation and trade enforcement functions of the Department of Homeland Security (DHS), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE) and their programs for five years building upon the introduced 2009 Customs Facilitation and Trade Enforcement Reauthorization bill (S1631).

Modifications of the 2009 S1631 include provisions that 1) reorganize and reallocate staffing, resources and budget authority for DHS, CBP, and ICE to ensure balance between trade facilitation and trade enforcement functions; 2) strengthen interagency coordination to facilitate trade and enhance commercial enforcement, 3) consolidate trusted trader programs and enumerate specific benefits for companies that participate in the consolidated trusted trader program; 4) direct CBP to enhance and negotiate additional mutual recognition agreements with foreign customs authorities; 5) enhance deployment of CBP and ICE risk-based targeting centers and enforcement investigations to improve intellectual property rights protection, better combat AD/CVD evasion, increase collections, and resolve priority trade issues; 6) reform and elevate role of the Advisory Committee on Commercial Operations of CBP as well as formalize and strengthen consultations with private sector on CBP trade policies; and 7) reform procedures and policies regarding duty drawback, de minimis, informal entry, bonding, trade secrets, revenue collection, importer of record, penalties, and postal shipments customs treatment.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_17__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Strike Title V-Trade Adjustment Assistance

Description of Amendment: Title V makes statutory changes to U.S. tax, pension, health care and worker retraining programs that are unrelated to the implementation of the U.S. –Korea Free Trade Agreement. The amendment strikes these provisions from the implementing bill.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_18__ to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: Merit Staffing for State Administration of Trade Adjustment Assistance

Description of Amendment: The amendment will authorize States to choose whether or not to use State government personnel to perform Trade Adjustment Assistance (TAA)-funded functions undertaken to carry out the worker adjustment assistance provisions of the Trade Act of 1974, as amended.

Offset to be provided.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_19__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To ensure health care premiums are reduced by \$2,500 for American families.

Description: The renewal of the Trade Adjustment Assistance program shall not be implemented until the Secretary of Health and Human services certifies that health insurance premiums have been reduced, on average, by \$2,500.

Offset: Not applicable.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_20__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To ensure greater health care choices for American families.

Description: Section 2718 of the Public Health Service Act is repealed and shall be applied and administered as if such provisions and amendments had never been enacted.

Offset: Not applicable.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_21__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To repeal the job-killing employer mandate.

Description: Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

Offset: To be determined.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_22__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To repeal the job-killing medical device tax to ensure continued access to life-saving medical technologies to Americans.

Description: Subsections (a), (b), and (c) of section 1405 of the Health Care and Education Reconciliation Act of 2010, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section and amendments had never been enacted.

Offset: To be determined.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_23__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To restore the longstanding partnership between the States and the federal government in managing the Medicaid program.

Description of Amendment: Repeal the Medicaid and SCHIP maintenance of effort requirements in the Patient Protection and Affordable Care Act.

Offset: Saves \$2.1 billion over 10 years, which shall be allocated to a deficit reduction trust fund.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_24__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To ensure that taxpayer dollars are effectively used in demonstration programs implemented by the Centers for Medicare and Medicaid Services (CMS).

Description of Amendment: Requires Medicare demonstrations conducted by CMS under Section 402 of Public Law 92-603 (42 U.S.C. section 1395b-1) authority be budget neutral. The Office of the Actuary at CMS must certify that such demonstrations are budget neutral.

Offset: Any savings from this amendment shall be allocated to a deficit reduction trust fund.

Offset: Not applicable.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_25__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To close the loophole that sends taxpayer dollars to fund operational costs for abortions.

Description of Amendment: Medicaid family planning dollars may not flow to any entity that performs abortions or maintains or operates a facility where abortions are performed.

Offset: No offset needed.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Hatch Amendment #_26__to the U.S.-South Korea Free Trade Agreement Implementation Act

Short Title: To repeal the burdensome restrictions on taxpayers’ purchase of over- the counter medications.

Description: Under PPACA, effective January 1, 2011, funds in an FSA, HSA, or HRA may not be used to purchase over-the-counter medications without a prescription (insulin is exempt from the requirement). This amendment would restore over-the-counter drug purchases as a qualified medical expense without a prescription for FSAs, HSAs, HRAs, and Archer MSAs.

Offset: To be determined.

Grassley Amendment #1 to the U.S-Korea Free Trade Agreement.

Short Title: Sunsetting the Independent Payment Advisory Board

Description of Amendment:

The Patient Protection and Affordable Care Act of 2010 created the Independent Payment Advisory Board (IPAB), Section 1899A of the Social Security Act. This amendment sunsets IPAB as of December 31, 2020. This amendment does preserve the authority for any recommendations made under the IPAB during 2020 to be implemented during 2021 and beyond.

CBO has informally suggested to Senator Grassley's office that this amendment is budget neutral, having no impact within the 10-year budget window.

Kyl Amendment #1 to the United States South Korea Trade Promotion Implementing Act

Short title: To provide certainty in the process.

Description of Amendment:

Suspends amendment process until the Senate Parliamentarian rules on whether the TAA provisions are domestic law changes that are “necessary or appropriate” to implement the trade agreement, as required by the Trade Act of 2002 in order for Trade Promotion Authority procedural protections to apply.

Kyl Amendment #2 to the United States South Korea Trade Promotion Implementing Act

Short title: To provide fairness and transparency in the process.

Description of Amendment:

Suspends amendment process until the Chairman's Mark and any modified Chairman's Mark, along with accompanying JCT and CBO scores, have been available publically for 48 hours; extend amendment filing deadline to 24 hours before amendment process resumes.

Kyl Amendment #3 to the United States South Korea Trade Promotion Implementing Act

Short title: To separate TAA provisions from the Korea FTA implementing bill.

Description of Amendment:

If TAA provisions remain in the Korea FTA implementing bill immediately prior to the Committee vote to report the bill, then the Korea FTA with accompanying offsets and TAA provisions with accompanying offsets shall be separated into two different bills and the Committee shall vote separately on reporting each bill.

**KYL AMENDMENT TO THE UNITED STATES SOUTH KOREA
TRADE PROMOTION IMPLEMENTING ACT #4**

TAA/health care/tax- related reform.

**KYL AMENDMENT TO THE UNITED STATES SOUTH KOREA
TRADE PROMOTION IMPLEMENTING ACT #5**

TAA/health care/tax- related reform.

**KYL AMENDMENT TO THE UNITED STATES SOUTH KOREA
TRADE PROMOTION IMPLEMENTING ACT #6**

TAA/health care/tax- related reform.

**KYL AMENDMENT TO THE UNITED STATES SOUTH KOREA
TRADE PROMOTION IMPLEMENTING ACT #7**

TAA/health care/tax- related reform.

**KYL AMENDMENT TO THE UNITED STATES SOUTH KOREA
TRADE PROMOTION IMPLEMENTING ACT #8**

TAA/health care/tax- related reform.

**KYL AMENDMENT TO THE UNITED STATES SOUTH KOREA
TRADE PROMOTION IMPLEMENTING ACT #9**

TAA/health care/tax- related reform.

Crapo Amendment #1 to Korean Free Trade Agreement-

Short Title: Ambulatory Surgical Center Update

Description of Amendment: This amendment would make adequate payment updates to ambulatory surgery centers

Offset: to be provided

Crapo Amendment #2 to Korean Free Trade Agreement-

Short Title: Equalizing Radio Surgery Reimbursement

Description of Amendment: This amendment would equalize reimbursement rates for stereotactic radio surgery requiring one course of treatment

Offset: CBO scored language at a \$300 million savings over 10 years

Crapo Amendment #3 to Korean Free Trade Agreement-

Short Title: Accountable Care Organizations Regulatory Repeal

Description of Amendment: This amendment removes regulations which would restrict the development of the ACO model to certain providers and facilities

Offset: cost neutral

Crapo Amendment #4 to Korean Free Trade Agreement-

Short Title: Ensuring Access to Ambulatory Surgery Centers Same Day Services

Description of Amendment: This amendment permits patients who wish to receive care sooner, to do so by allowing an ASC physician to provide disclosure notifications to patients on the same day that their procedure is to be performed

Offset: cost neutral

Crapo Amendment #5 to Korean Free Trade Agreement-

Short Title: Medicare Advantage Payment Rate Update

Description of Amendment: This amendment directs CMS to assume at least a 0% physician fee schedule increase when developing MA rates

Offset: to be provided

Roberts Amendment #1 to the U.S. Korea Free Trade Agreement

Short Title: Sequencing the pending trade agreements with TAA.

Description of Amendment: Requires the President to certify entry into force of the Korea, Colombia and Panama FTAs before the expanded benefits under Trade Adjustment Assistance may go into effect.

Offset: To be determined

Roberts Amendment #2 to the U.S. - Korea Free Trade Agreement

Short Title: U.S. Beef Trade with China and Japan

Amendment Description: Requires that USDA/USTR meet with China and Japan within the next 120 days to discuss unresolved beef trade market access issues.

Offset: To be determined

Roberts Amendment #3 to the U.S. – Korea Free Trade Agreement

Short Title: U.S. Beef Trade with Taiwan

Amendment Description: Requires that United States Department of Agriculture and the Office of the United States Trade Representative to meet with Taiwanese official to establish an action plan to resolve the trade issue concerning ractopamine in U.S. beef exports within 120 days.

Offset: to be determined

Roberts Amendment #4 to the U.S. - Korean Free Trade Agreement

Short Title: To prevent seniors requiring in-home health care from being forced out of their homes and into institutional care.

Description of Amendment: Repeal the home health provider payment rebasing enacted in the Patient Protection and Affordable Care Act, Section 3131, and revised by section 10315(a) of the Health Care and Education Reconciliation Act of 2010, beginning in 2013 and continuing thereafter; and to repeal the provider-specific cap on home health outlier payments beginning in 2011. Additionally, repeal Market Basket Cuts to repeal the one percent home health provider market basket reduction for 2011 and 2012 and the productivity payment cuts beginning in 2015 that were enacted in Sec. 3401(e) of the Patient Protection and Affordable Care Act.

Cost:

Offset: To be provided

Roberts Amendment #5 to the U.S. - Korean Free Trade Agreement

Short Title: To ensure continued access to care for those of the most vulnerable populations and to ensure equitable treatment of all hospitals.

Description of Amendment: To exempt Critical Access Hospitals from consideration by the Independent Payment Advisory Board for payment reduction through 2018.

Cost:

Offset: To be provided

Roberts Amendment #6 to U.S. - Korean Free Trade Agreement

Short Title: To ensure valuable stakeholder comment on regulations implementing the Patient Protection and Affordable Care Act.

Description of Amendment: The Secretary, in implementing the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, may not use an interim final rule process, for any regulatory authority granted by these bills. Instead, all regulations must be done through a notice of proposed rulemaking with a minimum of 60 days for comment to begin on date of publication of the rule in the Federal Register, followed by a consideration of all comments received, and an issuance of a final rule where Congress otherwise permitted sub-regulatory implementation, those provisions are not impacted by these changes.

Cost:

Offset: To be provided

Roberts Amendment #7 to the U.S. - Korean Free Trade Agreement

Short Title: To ensure the integrity of the Medicare program and avoid undue burden on rural home health and hospice providers.

Description of Amendment: To repeal the face to face encounter with patient required before physicians may certify eligibility for home health services under Medicare enacted by Sec. 6407(a) of the Patient Protection and Affordable Care Act. Also, amend the Adoption of MedPAC Hospice Program Eligibility Recertification Recommendations as enacted by Sec. 3132 (b) to allow Nurse Practitioners, Clinical Nurse Specialists and Physicians Assistants to conduct the face-to-face encounter, and that hospice programs be afforded 7 days after the election of services to fulfill the requirement.

Cost:

Offset: To be provided

Roberts Amendment #8 to the U.S. – Korea Free Trade Agreement

Short Title: To ensure access to over-the-counter medications

Amendment Description: Repeal Sec. 9003 of the Patient Protection and Affordable Care Act.

Offset: to be determined

Enzi Amendment #1 to the South Korea Free Trade Agreement

Short Title: Reducing Spending and Ensuring Fairness in U.S. Agricultural Production

Description of Amendment: STRIKE Section 533 “Trade Adjustment Assistance for Farmers”

Enzi Amendment #2 to the South Korea Free Trade Agreement

Short Title: Further Limitations on Trade Adjustment Allowances

Description of Amendment: Page 89, Line 15 STRIKE “65” and INSERT “45” also Page 89, Line 18 STRIKE “78-week period” and INSERT “52-week period”.

Enzi Amendment #3 to the South Korea Free Trade Agreement

Short Title: TAA for Workers Displaced by Korea Agreement

Description of Amendment: Amend the TAA eligibility language in the underlying implementing bill to allow only those workers displaced by the Korea Free Trade Agreement to be eligible for trade adjustment assistance.

Enzi Amendment #4 to the South Korea Free Trade Agreement

Short Title: An amendment to eliminate Medicaid and insurance subsidy eligibility for early retirees

Description of Amendment: Strike the Medicare pay-for and replace it with a proposal to include non-taxable Social Security and Railroad Retiree benefits in the calculation of Modified Adjusted Gross Income, as defined in Section 36B of the Internal Revenue Code, for purposes of determining Medicaid and insurance subsidy eligibility under the Patient Protection and Affordable Care Act. This change would conform the treatment of Social Security benefits to how they are treated in existing low-income assistance programs and prevent up to 5 million early retirees from becoming eligible for Medicaid under the new health law.

Offset: Not applicable. Any remaining savings will be allocated to the deficit reduction trust fund.

Enzi Amendment #5 to the South Korea Free Trade Agreement

Short Title: Making health care more affordable for consumers and reducing burdens on physicians and pharmacists.

Description of Amendment: The amendment would lower health care costs for consumers by eliminating the prohibition on using flexible spending accounts and health savings accounts to purchase over the counter drugs. The health reform law changed the definition of qualified medical expenses to exclude over the counter drugs when using flexible spending accounts and health savings accounts unless the patient had a prescription. This would also ease the burden on physicians and pharmacists, who have complained that the new requirement is forcing patients to seek prescriptions so they can use their FSAs/HSAs.

Offset: Offset to be provided.

Cornyn Amendment #1 to the U.S-Korea Free Trade Agreement

Short Title: Saving Medicare for Generations to Come

Description: The Trade Adjustment Assistance provision included in the U.S.-Korea Free Trade Agreement will not go into effect until the President complies with Section 802 of P.L. 108-173 requiring a proposal to address the Medicare Funding Warning issued in 2010 by the Medicare Trustees.

Offset: Not applicable.

Senate Finance Committee

“Mock” Mark-Up

U.S.-South Korea Free Trade Agreement Implementation Act

Thune Amendment # 1 to the United States-South Korea Free Trade Agreement Implementation Act

Short Title: Extend Trade Promotion Authority through December 31, 2015.

Description of Amendment: The provision amends Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) to provide for the application of trade authorities procedures to trade agreement entered into before December 31, 2015. Trade Promotion Authority, which expired on July 1, 2007, is necessary in order to provide the President the authority to successfully conclude future trade agreements.

Thune Amendment # 2 to the United States-South Korea Free Trade Agreement Implementation Act

Short Title: Extend Trade Promotion Authority for the Trans Pacific Partnership Agreement through December 31, 2013.

Description of Amendment: The provision amends Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) to provide for the application of trade authorities procedures to a trade agreement with Trans-Pacific partnership countries entered into after the date of enactment of the U.S. –Korea Free Trade Agreement and before December 31, 2013. The purpose of the provision is to empower our international trade negotiators with the tools needed to successfully conclude negotiation of the Trans-Pacific Partnership Agreement. The Trans-Pacific Partnership (TPP) Agreement is an Asia-Pacific regional trade agreement currently being negotiated among the United States and eight other partners. The United States' TPP negotiating partners are Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam. The TPP members have set a goal of reaching the outlines of an agreement by the APEC Leaders' meeting in Honolulu in November 2011. Approval of this amendment will help our negotiators achieve that goal and successfully conclude negotiations thereafter.

**Thune Amendment #3 to the United States-South Korea Free Trade Agreement
Implementation Act**

Short Title: Repeal the CLASS Entitlement

Description: The CLASS Act was an unsustainable entitlement included in the Patient Protection and Affordable Care Act. It is fatally flawed due to adverse selection and will leave taxpayers on the hook for a massive new entitlement.

Offset: To be provided